

Application No.: 09/485,225

Docket No.: 20061-00088-US

### REMARKS

The Office Action and the references again relied upon have been carefully considered. In an effort to expedite the prosecution of the present application, claim 6 is being cancelled since its subject matter was previously incorporated in independent claim 12. Claim 10 has been amended as required by the Examiner to avoid lack of antecedent basis.

Finally, claim 12 has been twice amended so as to highlight the patentable aspect of the present invention as compared with the prior art.

Claims 3, 7, 8, 10, and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Einhorn (U.S. 4,010,794) in view of Tracey (U.S. 4,559,677), Lacore (U.S. 5,546,639), and Wackerly (U.S. 5,839,768).

Applicant readily admits that a tapered duct in a hook, with a knotted solid cable end that is secured with a metal crimp is well known in the prior art as discussed on page 1 of the present application and shown in Lacore & Wackerly as applied by the Examiner. However, as pointed out in that Background, the prior art design had the disadvantage of permitting the cable to pull free when tension is applied to the cable which causes the enlarged knotted end of the cable to deform the abutment that should act as a stop. In order to prevent this, applicant relies upon a rigid flat metal wire that forms the core of the hook and particularly includes an end section bent into a ring embedded in a finger grip block around the stop abutment. The purpose of the ring, embedded in the finger grip block, is to reinforce the stop abutment of the grip end block so that a deformation thereof is sufficiently curtailed preventing the folded end of the cable from being pulled out from the hook.

The Examiner relies upon the Tracey reference for disclosing a hook having a bent ring 22 embedded in the finger grip block for reinforcing a finger grip end block. However, it is applicant's contention that one of ordinary skill in the art would not look to Tracey's ring to reinforce Einhorn since Tracey uses the ring 22 as a receiver for plug 28. The purpose of plug 28 is to exert radial retention force on a resilient stretchable tube which has no other means of being secured to the hook. Tracey is not at all concerned with the retention of a solid cable in the hook when subjected to axial tension as is the

Application No.: 09/485,225

Docket No.: 20061-00088-US

case with Einhorn. Further, Tracey has no common element such as a shoulder stop to abut a folded end of a cable as is common with both Einhorn as the presently claimed invention. This further removes it as being an obvious combinable reference with Einhorn.

Perhaps the most important shortcoming of the Examiner's combination is the suggestion that the rigid flat metal ring 22 of Tracey may be inserted in Einhorn. The Examiner has seemed to overlook the fact that the Einhorn hook is made of a die cast metal. See, column 4, lines 5-8. It would hardly be the choice of one having ordinary skill in the art to embed a metal ring within a die cast metal hook. Accordingly, the combination of Einhorn and Tracey is totally untenable. To look at it another way, Einhorn is not faced with the problem of making a deformable hook material that must be reinforced since the additional expense of a die cast metal is the choice of Einhorn to begin with.

Applicant concedes that the use of flared recesses in a passage way receiving a cable is not, *per se* novel. However, its combination with patentable claim 12 renders this aspect patentable along with the other features of the dependent claims.

In summary, the Examiner has principally relied upon Einhorn and Tracey to meet the important aspects of the presently claimed invention. However, for the reasons set forth above, these references would not be combined by one of ordinary skill in the art without the teaching of the present invention before them. It is clear that the point of novelty for the present hook construction is the utilization of a tapered duct that forms an abutment stop shoulder that is immediately reinforced by a metal ring section of an embedded core member. Notwithstanding the extreme simplicity of this construction, the Examiner has been unable to combine prior art references in a reasonable manner.

The Board of Appeals reminds us that the Examiner cannot rely upon hindsight in combining references—as stated in *Ex Parte Chicago Rawhide Manufacturing Co.*, 223 U.S.P.Q. 351, 353 (PO Bd. App. 1984):

The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker

Application No.: 09/485,225

Docket No.: 20061-00088-US

in the art, *without the benefit of the appellant's specification*, to make the necessary changes in the reference device. (Emphasis added).

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

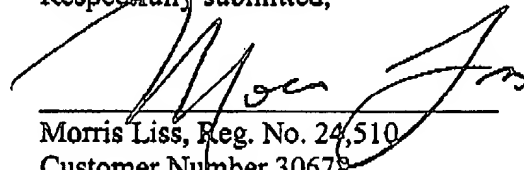
In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

November 15, 2002

Respectfully submitted,



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Application No.: 09/485,225

Docket No.: 20061-00088-US

**VERSION WITH MARKINGS TO SHOW CHANGES MADE****IN THE CLAIMS***Please cancel claim 6 without prejudice.*

10. (Twice Amended) A hook according to claim 9, in which [the] a free end is coated with extra injected material.

12. (Twice Amended) A hook for a cable comprising:  
a finger grip end block having a passage formed therethrough;  
a solid cable slidably resting in the passage, the cable having a folded end secured by a crimped clip;  
the passage having a circular inlet duct through which a straightened cable section passes;  
the passage further having an outlet duct, larger than the inlet duct and receiving the folded cable end;  
an outer circular end of the inlet duct being outwardly flared to avoid a sharp edge from contacting the cable;  
a junction between the inlet and outlet ducts forming a shoulder serving as a stop abutment for the folded cable end when the cable is placed in tension;  
a rigid flat metal wire having an inverted J-shaped first end section facing the outlet duct, the inverted J-shaped first end section serving as a hook member; and  
the flat wire having an opposite end section bent into a ring embedded in the finger grip block, around the stop abutment, and located in a plane generally perpendicular to the J-shaped first end section, the ring serving to reinforce the stop abutment of the finger grip end block.